

COLORADO STATE BOARD OF PHARMACY

November 18, 2010

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:30 a.m. on Thursday, November 18, 2010 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Jeannine Dickerhofe, R.Ph., E. Katherine Edelblut, R.Ph., Leonard L. Hierath, P.E., Paul Limberis, R.Ph., Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Susan Martin, R.Ph., Acting Program Director; Chris Gassen, R.Ph., Chief Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

ELECTION OF OFFICERS

A motion was made, seconded and carried to reelect Jeannine G. Dickerhofe, R.Ph. as President of the Board.

A motion was then made, seconded and carried to reelect Mary K. Arceneaux, R.Ph. as Vice President of the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the September 16, 2010 and October 21, 2010 meetings as amended.

APPEARANCES

Rebecca Heck, Director of the Pharmacy Peer Health Assistance Diversion Program for Peer Assistance Services, Inc., reviewed with the Board the Diversion Program's 1st Quarterly Report.

The Board noted the information.

Jennifer Trainer, Colorado Strategic National Stockpile (SNS) Coordinator, Emergency Preparedness and Response Division of the Colorado Department of Public Health and Environment.

Ms. Trainer sought an opinion from the Board regarding the extended-use and disposition of various drugs from Colorado's SNS.

After due consideration of the available information, the Board voted unanimously to refer Ms. Trainer's inquiries to Executive Session for legal advice.

After Executive Session, the Board directed its staff to send Ms. Trainer correspondence recommending that she seek guidance from the Colorado Department of Public Health & Environment's Medical Director regarding the ultimate decision of how to dispense extended-use drug stocks and how to dispose of such stocks after the corresponding extended-use dates have been reached.

ADDITIONS TO THE AGENDA

A revised agenda was made available to the public at this meeting to reflect any additions.

REPORTS

President's Remarks

None.

Program Director's Report

Ms. Anderson announced that Susan Martin will serve as the Board's Acting Program Director as Ms. Anderson has agreed to assist other Boards within the Division of Registrations in the transitioning process between program directors.

Ms. Anderson also introduced Linda Acosta, the new Complaint Analyst and Licensing Specialist for the Board.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The next CPS continuing education (CE) event is the 2011 Winter CE Seminar, January 9-12, 2011, at the Westin Riverfront in Avon, Colorado. Fifteen hours of CE will be provided and topics will include: a new drug update; law update; safe use of prescription drugs during pregnancy; programs on medication adherence and improving patient care; and pharmacotherapies used in the treatment of infections, depression, and cardiovascular disease.

Planning has begun for the 2011 Advances in Pharmacy Practice, February 26, 2011. This full day, annual education seminar is held in conjunction with the University of Colorado Denver School of Pharmacy and will provide 6 hours of CE.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

No report was presented. The next meeting of the GEEERC is scheduled for January 6, 2011.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school is beginning the interviewing and selection process for the next incoming class, and that community pharmacists are participating in the interview process. Dr. Jarvis also reported that the school is in the process of undergoing significant revisions to its curriculum. Dr. Jarvis further reported that the school will be moving into its new facilities, and that it will be celebrating its 100year anniversary in 2011.

Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, reported that the school will be interviewing for a permanent dean in December 2010 and January 2011. Dr. McCollum also reported that the school is actively recruiting new faculty members and that it will begin interviewing for student candidates for its 2015 class.

Legislation - Jeannine Dickerhofe, RPh

The Colorado Pharmacy Coalition (CPC) met on October 27, 2010. The focus of the coalition meeting was the discussion of topics related to the 2011 Pharmacy Sunset Review.

In attendance were representatives from every pharmacy organization in the state, including the schools of pharmacy, Peer Assistance Services, and the Department of Regulatory Agencies. The agenda included the topics of: continuing education requirements for licensure; continuous quality improvement; and patient safety. Also discussed were the 2011 Sunset of midwives, optometrists, and the Prescription Drug Monitoring Program.

The next meeting of the CPC is scheduled for November 24, 2010. The topics to be addressed are: the pharmacist to technician ratio; and the definitions of “satellite” and “location”.

Inspectors

Walgreen Pharmacies & Hard-Copy Maintenance of Prescription Orders

The Board reviewed an Agenda Memorandum from Mr. O'Neill regarding the legibility of hard-copy prescription orders and proposed amendments to Board Rule 11.04.10.

After due consideration of the available information, the Board voted unanimously to move the proposed amendments to a future rules hearing.

OLD BUSINESS

Miscellaneous

Sunshine Pharmacy, Inc. (PDO 118-1) & The Apothecary Shoppe (PDO 93-2)

The Board reviewed correspondence from Sunshine Pharmacy, Inc. and The Apothecary Shoppe regarding each outlet's assurance that Robert Goverski (RPH 14225) has not, and will not, practice as a pharmacist at either outlet while his Stipulation for Interim Cessation of Practice remains in effect.

After due consideration of the available information, the Board noted the information.

David Yang, RPH 17421 & Case 2010-0961

The Board reviewed an Agenda Memorandum from Ms. Martin regarding Mr. Yang and Case 2010-0961, and voted to refer the matters to Executive Session for legal advice.

After Executive Session, the Board determined that no further action was warranted.

Licensing

John K. Soffa, Pharmacy Intern Applicant

The Board reviewed information concerning Mr. Soffa's pharmacy intern application and voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not be limited to, CRS 12-22-125(1)(d).

Stipulations

Jason M. McCanless, RPH 15334

The Board reviewed an Agenda Memorandum from Ms. Martin regarding Mr. McCanless' request to modify the terms of his Stipulation and Final Agency Order with the Board.

After due consideration of the available information, the Board voted unanimously to extend the period of time for Mr. McCanless to successfully complete and pass the Professional and Problem Based Ethics Course to May 18, 2011.

Brendan J. Ricklefs, RPH 17609 & Case 2010-2951

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Ricklefs and Case 2010-2951, and voted to refer the matter to Executive Session for legal advice.

Lori A. Chesler, RPH 11238 & Case P-02-0069

Luis Rivera-Lleras recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Chesler's compliance with her First Amended Stipulation and Final Agency Order with the Board, and voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

NEW BUSINESS

Complaints

American Outcomes Management, L.P., OSP 5539 2011-1140

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

James H. Chung, RPH 15837 2011-0714

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Custom Pharmacy Solutions, L.L.C., OSP 5753

2011-0773

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Loren D. Edwards, RPH 9838

2011-0718

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

The Board also voted unanimously to initiate separate complaints against both the prescription drug outlet registration of Capitol Heights Pharmacy (PDO 30) and the pharmacist license of Mr. Edwards as the pharmacist manager of Capitol Heights Pharmacy.

Humana Pharmacy, Inc., OSP 5672

2011-1153

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Humana Pharmacy, Inc., OSP 5672

2011-1151

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Salem R. Montez, RPH 15006

2011-0274

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Pharmaca Integrative Pharmacy, PDO 9-15

2011-0917

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

RXUSAPBM, Inc., OSP 5499

2011-1142

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Walgreen Pharmacy # 5261, PDO 108-14

2011-0960

The Board voted unanimously to dismiss this case as being without merit.

The Board, however, also voted unanimously to initiate separate complaints against both the prescription drug outlet registration of Walgreen Pharmacy # 5261 and the pharmacist license of Gregory J. Hanson (RPH 16303) as the pharmacist manager of Walgreen Pharmacy # 5261 for allegedly failing to maintain: (1) a signed and dated notice detailing this pharmacy's method for recording the identity of pharmacists responsible for conducting the initial interpretation of prescription orders and the final evaluation of prescriptions; and (2) a complete list of employees.

Barbarba S. McKinney, RPH 18641

2011-1400

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

LICENSING/REGISTRATION

Brad G. Hunt, RPH 12223, Pharmacist Reinstatement Applicant

The Board reviewed Mr. Hunt's pharmacist reinstatement application and, after due consideration of the available information, voted unanimously to reinstate Mr. Hunt's pharmacist license.

Callan Jones, Pharmacy Intern Applicant

The Board reviewed Mr. Jones' pharmacy intern application and, after due consideration of the available information, voted unanimously to issue Mr. Jones a pharmacy intern license.

AmerisourceBergen Drug Corporation, Out-of-State Prescription Drug Wholesaler Applicant

The Board reviewed AmerisourceBergen Drug Corporation's out-of-state prescription drug wholesaler application and, after due consideration of the available information, voted unanimously to issue AmerisourceBergen Drug Corporation an out-of-state prescription drug wholesaler registration.

MISCELLANEOUS

Correspondence, etc.

2010 Sunset Review: Electronic Prescription Drug Monitoring Program and the Prescription Controlled Substance Abuse Monitoring Committee

The Board noted the information.

DEA 21 CFR Part 1306: Role of Authorized Agents in Communicating Controlled Substance Prescriptions to Pharmacies

The Board noted the information.

Wyeth Pharmaceuticals, Division of Wyeth, LLC, WHO 7052

The Board voted unanimously to refer the matter to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time.

National Association of Boards of Pharmacy: Notice Related to the Environmental Protection Agency Draft Guidance Document for Managing Unused Pharmaceuticals

The Board noted the information.

Request to Amend Board Rule 21.21.60 from Centura Health

After due consideration of the available information, the Board voted unanimously to decline amending Board Rule 21.21.60, and recommended that Centura Health contact hospitals that have established mechanisms which have aided them in successfully complying with this Board rule.

Correspondence from the RxC Acquisition Company, WHO 7321

The Board noted the information.

St. Mary's Regional Cancer Center Pharmacy, PDO 507 & Petition For Declaratory Order And Request For Stay

The Board voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board declined to rule on the Petition for a Declaratory Order and denied the request for a stay. The Board determined that it lacks jurisdiction to declare that St. Mary's Cancer Center Pharmacy is a hospital pharmacy, and determined that this question needs to be addressed by the Colorado Department of Public Health and Environment.

EXECUTIVE SESSION

At 10:31 a.m., Board President Jeannine Dickerhofe moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 10:57 a.m.

At 12:05 p.m., Board President Jeannine Dickerhofe moved that the Board re-enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 2:04 p.m.

Open Session

Barbarba S. McKinney, RPH 18641 & Case 2011-1400

The Board found that the public health, safety, or welfare imperatively required emergency action and voted to summarily suspend Ms. McKinney's pharmacist license should she fail to enter into an interim cessation of practice agreement with the Board by close of business November 26, 2010.

Case 2011-0709

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

ADJOURNMENT

The Board adjourned at 2:17 p.m.

Jeannine G. Dickerhofe, R.Ph.
Board President

Approval Date